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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

INK PROJECTS, LLC.

Case No. 2:23-cv-1568-JCM-BNW

Plaintiff,

V.

RUBEN KASPER, LLC, RUBEN
ESTRELLADO, and MARVIN
ESTRELLADO

**STIPULATION AND ORDER TO STAY
DISCOVERY**

(FIRST REQUEST)

Defendants.

Defendants RUBEN KASPER, LLC, RUBEN ESTRELLADO, and MARVIN ESTRELLADO (collectively, "Defendants"), by and through their counsel of record, Kemp Jones, LLP, and Plaintiff INK PROJECTS, LLC ("Perma Blend"), by and through its counsel of record, Akerman LLP, hereby stipulate and agree to stay discovery pending resolution of Defendants' motions to dismiss (ECF Nos. 33, 37). In support of this stipulation, the Parties state as follows:

1 1. Perma Blend initiated this action on October 2, 2023, alleging causes of action for: (1)
 2 breach of contract; (2) tortious interference; (3) unfair and deceptive trade practices; and (4)
 3 defamation. ECF Nos. 1, 2.

4 2. Perma Blend subsequently moved for a preliminary injunction on October 12, 2023.
 5 ECF No. 9. The motion is fully briefed and ripe for a decision. ECF Nos. 28, 32.

6 3. To accommodate for briefing on the preliminary injunction, as well as various time and
 7 scheduling constraints on counsel, Perma Blend agreed to extend Defendants' responsive pleading
 8 deadline until December 20, 2023.

9 4. On December 4, 2023, Defendants filed a Special Anti-Slapp Motion to Dismiss
 10 Pursuant to NRS 41.660. ECF No. 33. The motion is fully briefed and ripe for a decision. ECF Nos.
 11 38, 41.

12 5. On December 20, 2023, Defendants filed a Motion to Dismiss Pursuant to FRCP
 13 12(b)(6). ECF No. 37. The motion is fully briefed and ripe for a decision. ECF Nos. 44, 48.

14 6. On February 15, 2024, this Court issued an order directing the parties to file a proposed
 15 discovery plan by February 29, 2024. ECF No. 47.¹

16 7. Since this time, the parties have conferred regarding discovery and case deadlines, and
 17 agree to a stay of discovery pending resolution of the motions to dismiss.

18 8. Federal district courts have "wide discretion in controlling discovery." *Little v. City of*
 19 *Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). In exercising this discretion, a district court may stay
 20 discovery based on the filing of a motion that is "potential dispositive of the entire case." *Tradebay,*
 21 *LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). See also *Turner Broadcasting Sys. v. Tracinda*
 22 *Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997) (holding that "[w]hether to grant a stay is within the
 23 discretion of the Court...").

24 9. In addition, Defendants contend that discovery should be stayed pursuant to NRS
 25 41.660(3)(e).

26 10. The parties submit that a stay of discovery promotes judicial economy and efficiency
 27 as between the parties for several reasons.

28 ¹ The Court entered the parties' proposed discovery plan on March 1, 2024. ECF No. 50.

1 a. **First**, while Permablend does not concede that either of the motions to dismiss have
 2 merit, Permablend recognizes that the motions address certain threshold issues
 3 regarding choice of law and contract interpretation that could potentially narrow
 4 the scope of discovery in this case. Regardless of how the Court ultimately rules
 5 on these pending motions, the Court's decision is likely to provide necessary clarity.
 6 b. **Second**, the Parties are actively exploring the potential for settlement. A stay of
 7 discovery will allow the Parties to continue these discussions before incurring
 8 additional expenses on written discovery and related motion practice, which could
 9 impact the Parties' progress in these discussions.
 10 c. **Third**, and relatedly, the Parties are currently discussing the potential for
 11 alternative dispute resolution and/or mediation. To the extent the Parties can reach
 12 an agreement, the Parties submit it is in the best interest of both the Parties and the
 13 Court to wait until the mediation process has been completed prior to setting
 14 discovery deadlines and incurring the time and expense of written discovery,
 15 depositions, and anticipated motion practice.

16 11. Based on the foregoing, and in order to preserve the Parties' resources and to promote
 17 judicial economy, the Parties have agreed subject to the Court's approval to stay discovery pending
 18 resolution of the pending motions to dismiss.

19 12. The Parties submit this stipulation in good faith and not for the purpose of delay or
 20 prejudice to any party.

21 DATED this 15th day of March, 2024.

22 KEMP JONES LLP

23 By: /s/ Katrina Stark

24 Michael J. Gayan, Esq., SBN 11135
 25 Katrina Stark, Esq., SBN 16006
 3800 Howard Hughes Parkway, 17th Floor
 Las Vegas, Nevada 86169

26 *Attorneys for Defendants*

DATED this 15th day of March, 2024.

AKERMAN LLP

27 By: /s/ Nicholas E. Belay

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28 *Attorneys for Plaintiff*

IT IS SO ORDERED:

DATED: 3/19/2024


 UNITED STATES MAGISTRATE JUDGE